

111TH CONGRESS  
1ST SESSION

# H. R. 714

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2009

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To authorize the Secretary of the Interior to lease certain  
lands in Virgin Islands National Park, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CANEEL BAY LEASE AUTHORIZATION.**

2 (a) DEFINITIONS.—In this section:

3 (1) PARK.—The term “Park” means the Virgin  
4 Islands National Park.

5 (2) RESORT.—The term “resort” means the  
6 Caneel Bay resort on the island of St. John in the  
7 Park.

8 (3) RETAINED USE ESTATE.—The term “re-  
9 tained use estate” means the retained use estate for  
10 the Caneel Bay property on the island of St. John  
11 entered into between the Jackson Hole Preserve and  
12 the United States on September 30, 1983.

13 (4) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior.

15 (b) LEASE AUTHORIZATION.—

16 (1) IN GENERAL.—If the Secretary determines  
17 that the long-term benefit to the Park would be  
18 greater by entering into a lease with the owner of  
19 the retained use estate than by authorizing a conces-  
20 sion contract upon the termination of the retained  
21 use estate, the Secretary may enter into a lease for  
22 the operation and management of the resort.

23 (2) ACQUISITIONS.—The Secretary may—

24 (A) acquire associated property from the  
25 owner of the retained use estate; and

1 (B) on the acquisition of property under  
2 subparagraph (A), administer the property as  
3 part of the Park.

4 (3) AUTHORITY.—Except as otherwise provided  
5 by this section, a lease shall be in accordance with  
6 subsection (k) of section 3 of Public Law 91–383  
7 (16 U.S.C. 1a–2(k)), notwithstanding paragraph (2)  
8 of that subsection.

9 (4) TERMS AND CONDITIONS.—A lease author-  
10 ized under this section shall—

11 (A) be for the minimum number of years  
12 practicable, taking into consideration the need  
13 for the lessee to secure financing for necessary  
14 capital improvements to the resort, but in no  
15 event shall the term of the lease exceed 40  
16 years;

17 (B) prohibit any transfer, assignment, or  
18 sale of the lease or otherwise convey or pledge  
19 any interest in the lease with prior written noti-  
20 fication to, and approval by the Secretary;

21 (C) ensure that the general character of  
22 the resort property remains unchanged, includ-  
23 ing a prohibition against—

24 (i) any increase in the overall size of  
25 the resort; or

1                   (ii) any increase in the number of  
2                   guest accommodations available at the re-  
3                   sort;

4                   (D) prohibit the sale of partial ownership  
5                   shares or timeshares in the resort; and

6                   (E) include any other provisions deter-  
7                   mined by the Secretary to be necessary to pro-  
8                   tect the Park and the public interest.

9                   (5) RENTAL AMOUNTS.—In determining the  
10                  fair market value rental of the lease required under  
11                  section 3(k)(4) of Public Law 91–383 (16 U.S.C.  
12                  1a–2(k)(4)), the Secretary shall take into consider-  
13                  ation—

14                  (A) the value of any associated property  
15                  conveyed to the United States; and

16                  (B) the value, if any, of the relinquished  
17                  term of the retained use estate.

18                  (6) USE OF PROCEEDS.—Rental amounts paid  
19                  to the United States under a lease shall be available  
20                  to the Secretary, without further appropriation, for  
21                  visitor services and resource protection within the  
22                  Park.

23                  (7) CONGRESSIONAL NOTIFICATION.—The Sec-  
24                  retary shall submit a proposed lease under this sec-  
25                  tion to the Committee on Energy and Natural Re-

1 sources of the Senate and the Committee on Natural  
2 Resources of the House of Representatives at least  
3 60 days before the effective date of the lease.

4 (8) RENEWAL.—A lease entered into under this  
5 section may not be extended or renewed.

6 (9) TERMINATION.—Upon the termination of a  
7 lease entered into under this section, if the Secretary  
8 determines the continuation of commercial services  
9 at the resort to be appropriate, the services shall be  
10 provided in accordance with the National Park Serv-  
11 ice Concessions Management Improvement Act of  
12 1998 (16 U.S.C. 5951 et seq.).

13 (c) RETAINED USE ESTATE.—

14 (1) IN GENERAL.—As a condition of the lease,  
15 the owner of the retained use estate shall terminate,  
16 extinguish, and relinquish to the Secretary all rights  
17 under the retained use estate and shall transfer,  
18 without consideration, ownership of improvements  
19 on the retained use estate to the National Park  
20 Service.

21 (2) APPRAISAL.—

22 (A) IN GENERAL.—The Secretary shall re-  
23 quire an appraisal by an independent, qualified  
24 appraiser that is agreed to by the Secretary and  
25 the owner of the retained use estate to deter-

(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

6 (i) the Uniform Appraisal Standards  
7 for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

Passed the House of Representatives February 23,  
2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*